

SWITZERLAND 2019 INTERNATIONAL RELIGIOUS FREEDOM REPORT

Executive Summary

The constitution guarantees freedom of faith and conscience, and it and the penal code prohibit discrimination against any religion or its members. The constitution delegates regulation of the relationship between government and religious groups to the 26 cantons. A law in the canton of St. Gallen entered into force barring the wearing of facial concealments in public if deemed a threat to security or peace. A Federal Council decree to provide 500,000 Swiss francs (\$518,000) annually to enhance protection of Jewish, Muslim, and other religious minority institutions went into effect in November. In February the state prosecutor in Schaffhausen Canton rejected a complaint against a cantonal police officer who fined a Muslim man for publicly saying “Allahu akbar” while greeting a friend in 2018. In February voters in Geneva Canton approved a law banning the wearing of visible religious symbols in the workplace by cantonal government officials, but a Geneva court exempted cantonal and communal parliamentarians. In March the Zurich High Court upheld a ruling that a Muslim father violated the law when he failed to send his sons to school rehearsals of a Christmas song. In February the same court upheld a lower court’s 2018 conviction of a man for shouting anti-Semitic epithets at an Orthodox Jew, but it reduced his prison sentence and ruled the man’s cry of “Heil Hitler!” did not constitute Nazi propaganda. A University of Fribourg study said politicians approached non-Christian religions, especially Islam, with caution and showed little political will to award minority religions privileges similar to those of Christian churches.

A nongovernmental organization (NGO) and a group of Jewish communities cited 577 anti-Semitic incidents in the German-speaking part of the country in 2018, of which 535 involved online hate speech. The 42 other incidents, which included one case in which a man threatened a group of Orthodox Jews with a knife and shouted anti-Semitic insults at them, compared with 39 such cases the groups recorded in 2017. Another NGO reported 174 anti-Semitic incidents in the French-speaking region in 2018, two of which it described as “grave,” including one assault of a Jewish man on a train, and four as “serious,” compared with 150 in 2017. A collaboration between an NGO and the Federal Commission Against Racism cited 44 incidents against Muslims in 2018 consisting primarily of derogatory remarks and marginalizing treatment, compared with 54 in 2017. In September a Muslim man reported that another man at a supermarket had questioned his wife about her headscarf and called her a “dirty Muslim.” Local

media reported that two booksellers listed books with Nazi content in their online shops before removing them.

U.S. embassy officials discussed with the federal government its projects aimed at promoting religious freedom and tolerance, and with cantonal government officials cantonal recognition of minority religions, especially Islam. Embassy officials met with NGOs and religious leaders, eliciting their views on religious discrimination and government funding for security for religious institutions. The embassy hosted an iftar with discussion of religious tolerance and diversity and cohosted a Holocaust Remembrance Day ceremony. Embassy staff spoke on religious freedom and tolerance at an iftar organized by a group promoting religious dialogue. Embassy staff also convened a roundtable with representatives of multiple faiths during a visit of the U.S. Special Advisor for Religious Minorities.

Section I. Religious Demography

The U.S. government estimates the total population at 8.3 million (midyear 2019 estimate). According to Federal Statistics Office figures compiled in 2015-17 and issued in January, 35.9 percent of the population older than 15 is Roman Catholic, 23.8 percent Reformed Evangelical, 5.9 percent belongs to other Christian groups, and 5.4 percent is Muslim;. There are approximately 18,000 Jews. Persons identifying with no religious group constitute 26.0 percent of the population, and the religious affiliation of 1.4 percent of the population is unknown. According to the Federal Statistics Office, of the population older than 15 belonging to other Christian groups, 2.4 percent is Orthodox Christian or Old-Oriental Christian and 2.2 percent is other Protestant, including evangelical, Pentecostal, and charismatic Christian. The remaining 1.4 percent includes Jehovah's Witnesses, members of The Church of Jesus Christ of Latter-day Saints (Church of Jesus Christ), Seventh-day Adventists, and members of the Apostolic Church. The Christian Catholic Church estimates the number of Christian Catholics (also known as Old Catholics) at more than 12,000. Religious groups together constituting 1.4 percent of the population include Buddhists, Hindus, Baha'is, and Sikhs.

Approximately 95 percent of Muslims are of foreign origin, from more than 30 countries. Media report most come from countries of the former Yugoslavia, predominantly from Kosovo, Macedonia, Serbia, and Bosnia and Herzegovina, while others come from Albania, Turkey, North Africa, the Middle East, and sub-Saharan Africa. According to reports issued in 2018 by local media and the University of Zurich, 75 percent of the Muslim community is Sunni, 15 percent Alevi, and approximately 10 percent Shia or other Muslim, including Ahmadi.

According to the gfs.bern polling and research institute, approximately 80 percent of Muslims live in cities, with the largest populations found in Zurich, Aarau, Bern, St. Gallen, Solothurn, Lausanne, and Geneva. Approximately 50 percent of Jewish households are located in Zurich, Geneva, Basel, Lausanne, and Lugano.

Section II. Status of Government Respect for Religious Freedom

Legal Framework

In its preamble, the constitution states it is adopted in the name of “Almighty God.” It guarantees freedom of faith and conscience, states each person has the right to choose his or her religion and to profess it alone or with others, and prohibits religious discrimination. It states the confederation and cantons may, within the scope of their powers, act to preserve peace between members of different religious communities.

The federal penal code prohibits any form of “debasement,” which it does not specifically define, or discrimination against any religion or religious adherents. Inciting hatred or discrimination, including by electronic means and on the basis of religion, is punishable by up to three years’ imprisonment or a fine. The law also penalizes anyone who refuses to provide a service because of someone’s religion; organizes, promotes, or participates in propaganda aimed at degrading and defaming adherents of a religion; or “denies, justifies, or plays down genocide or other crimes against humanity.”

The constitution delegates regulation of relations between the government and religious groups to the 26 cantons. The cantons offer legal recognition as public entities to religious communities that fulfill a number of prerequisites and whose applications for recognition are approved in a popular referendum. The necessary prerequisites include a statement acknowledging the right of religious freedom; the democratic organization of the religious community; respect for the cantonal and federal constitutions and rule of law; and financial transparency.

The cantons of Basel, Zurich, and Vaud also offer religious communities legal recognition as private entities. This gives them the right to teach their religions in public schools. Procedures for obtaining private legal recognition vary; for example, Basel requires approval of the Grand Council (the cantonal legislature).

There is no law requiring religious groups to register in a cantonal commercial registry. Religious foundations, characterized as institutions with a religious

purpose that receive financial donations and maintain connections to a religious community, must register in the commercial registry. To register, the foundation must submit an official letter of application to the relevant authorities and include the organization's name, purpose, board members, and head office location as well as a memorandum of association based on local law, a trademark certification, and a copy of the organization's statutes.

Tax-exempt status granted to religious groups varies from canton to canton. Most cantons automatically grant tax-exempt status to religious communities that receive cantonal financial support, while all other religious communities must generally establish they are organized as nonprofit associations and submit an application for tax-exempt status to the cantonal government.

All of the cantons, with the exception of Geneva, Neuchatel, Ticino, and Vaud, financially support at least one of four religious communities that the cantons have recognized as public entities – Roman Catholic, Christian Catholic, Reformed Evangelical, or Jewish – with funds collected through a mandatory church tax for registered church members and, in some cantons, businesses. Only religious groups recognized as public entities are eligible to receive funds collected through the church tax, and no canton has recognized any other religious groups as public entities. The church tax is voluntary in the cantons of Ticino, Neuchatel, and Geneva, while in all others an individual who chooses not to pay the church tax may have to formally leave the religious institution. The canton of Vaud is the only canton that does not collect a church tax; however, the Reformed Evangelical and Roman Catholic Churches are subsidized directly through the cantonal budget.

In January new legislation in the canton of St. Gallen entered into force barring the wearing of facial concealments in public if the concealment poses “a threat to public security or religious and/or societal peace.” The law determines threats on a case-by-case basis and does not specify penalties for violators. While the legislation does not specifically mention types of facial covering, political discussions about the law predominantly focused on Islamic garb, including the burqa and *niqab*. Legislation in the canton of Ticino also bans the wearing of face coverings in public.

In February voters in the canton of Geneva approved a law banning all cantonal government officials from wearing visible religious symbols, such as head scarves, kippahs, or crosses, in the workplace. In November the Constitutional Chamber of the Geneva Court of Justice granted an appeal submitted by the Green Party to exempt cantonal and communal parliamentarians from the ban but ruled it would

remain in place for all other cantonal officials. The new law also grants all religious communities the right to apply for financial support from cantonal authorities.

The constitution prohibits the construction of minarets. The prohibition does not apply to the four existing mosques with minarets established before the constitution was amended to include the ban. The law allows the construction of new mosques without minarets.

A federal animal welfare law prohibits ritual slaughter of animals without prior anesthetization, effectively banning kosher and halal slaughter practices. Importation of traditionally slaughtered kosher and halal meat is legal, and such products are available.

The constitution sets education policy at the cantonal level, but municipal school authorities have some discretion in implementing cantonal guidelines. Most public cantonal schools offer religious education, with the exception of schools in Geneva and Neuchatel. Public schools normally offer classes in Roman Catholic and/or Protestant doctrines, with the precise details varying from canton to canton and sometimes from school to school; a few schools provide instruction on other religions. The municipality of Ebikon, in Lucerne Canton, and the municipality of Kreuzlingen, in Thurgau Canton, among others, offer religious classes in Islamic doctrine. In some cantons, religious classes are voluntary, while in others, such as in Zurich and Fribourg, they form part of the mandatory curriculum at the secondary school level, although schools routinely grant waivers for children whose parents request them. Children from minority religious groups may attend classes of their own faith. Practices vary from canton to canton, but most often these classes are held outside of school premises and school hours and financed by the minority religious groups. Parents may also send their children to private religious schools at their expense or homeschool their children.

Most cantons require general classes about religion and culture in addition to classes in Christian doctrines. There are no national guidelines for waivers on religious grounds from religion classes not covering doctrine, and practices vary.

On November 1, a decree the Federal Council issued in 2018 went into effect. The decree stipulates the government will provide 500,000 francs (\$518,000) annually in federal grants for the enhanced protection of religious minority institutions, notably of the Jewish and Muslim communities. According to the decree, the funds are to cofinance the communities' infrastructural, technical, and

organizational security measures, including establishing walls, security cameras, and alarm systems and organizing risk-identification and threat-awareness training.

The law grants clerics exemption from mandatory military service. The law categorizes clerics as members of a religious order living in a communal congregation bound by a religious oath and official duties; and officials of a formally organized religious community with more than 2,000 members who are above the age of 25 years and have at least three years of religious education.

Religious groups of foreign origin are free to proselytize, but foreign missionaries from countries not members of the European Union (EU) or the European Free Trade Association (EFTA) must obtain a religious worker visa to work in the country. Visa requirements include proof that the foreigner does not displace a citizen from a job, he/she has completed formal theological training, and he/she will be financially supported by the host organization. Nonrecognized religious groups must also demonstrate to cantonal governments that the number of their foreign religious workers is not out of proportion to the size of the community when compared to the relative number of religious workers of cantonally recognized religious communities.

Foreign missionaries must also have sufficient knowledge of, respect for, and understanding of national customs and culture; be conversant in at least one of the three main national languages; and hold a degree in theology. The law requires immigrant clerics with insufficient language skills or knowledge of local culture and customs, regardless of religious affiliation, to attend mandatory courses to facilitate their integration into society. In some instances, the cantons may approve an applicant lacking this proficiency by devising an “integration agreement” that contains certain goals the applicant must try to meet. The host organization must also “recognize the country’s legal norms” and pledge it will not tolerate abuse of the law by its members. If an applicant is unable to meet these requirements, the government may deny the residency and work permits.

The law also allows the government to refuse residency and work permits if a background check reveals an individual has ties to religious groups deemed “radicalized” or that have engaged in “hate preaching,” defined as publicly inciting hatred against a religious group, disseminating ideologies intended to defame members of a religious group, organizing defamatory propaganda campaigns, engaging in public discrimination, denying or trivializing genocide or other crimes against humanity, or refusing to provide service based on religion. The law authorizes immigration authorities to refuse residency permits to clerics the

government considers “fundamentalists” if authorities deem internal security or public order is at risk.

The country is a party to the International Covenant on Civil and Political Rights.

Government Practices

In February the state prosecutor’s office of the canton of Schaffhausen rejected a racial discrimination complaint the NGO Left People-of-Color Zurich filed in January against a Schaffhausen cantonal police officer who fined a Muslim man 210 francs (\$220) for publicly saying “Allahu akbar” (“God is Great”) while greeting a friend in May 2018. The state prosecutor’s office stated the police officer’s actions did not constitute racial discrimination. According to the state prosecutor, public actions were considered racially discriminating only if directed against a larger group of individuals not personally connected to the accused. The man told local media he tried to explain the expression to the officer, who subsequently called for police reinforcement to frisk him. According to press reports, the man decided to pay the fine without submitting an appeal in order to avoid further altercations.

In March the Federal Court rejected an appeal by a Basel-based lawyer against a May 2018 regulation issued by the canton of Basel’s Council of Courts prohibiting all judges, law clerks, and court trainees from wearing publicly visible religious symbols in court. The council reportedly issued the regulation after a female Muslim lawyer submitted an application for a traineeship at the cantonal court that contained a photograph of herself wearing a headscarf. Cantonal authorities stated the regulation was based on the court’s “obligation to independence and religious neutrality.” The Federal Court stated the regulation did not violate the right to religious freedom and avoided creating a perception that judges were religiously biased.

By year’s end, authorities in the canton of St. Gallen had not levied any fines on Muslim women for wearing the *niqab* since the January enactment of the canton’s law banning public face coverings. Press reported the canton of Ticino had also not fined any Muslim women for violating that canton’s face-cover ban.

In March the Zurich High Court upheld a 2017 ruling by the board of magistrates of the city of Dietikon against a Muslim father for violating the municipal education law after not sending, in 2016, his three sons to the rehearsals of their school’s Christmas song performance. School officials had previously granted the

children dispensation from the performance upon the father's request, but they had ordered the children to attend rehearsals. While the high court approved the initial ruling by Dietikon authorities, it reduced the fine from 500 to 300 francs (\$520 to \$310). The father appealed the sentence to the Federal Court, where it remained pending at year's end.

A study the University of Fribourg published in July found that more than 80 of 140 parliamentary motions on religious issues members of 15 cantonal parliaments submitted between 2010 and 2018 focused on queries and policies related to Islam. According to the researchers, politicians approached non-Christian religious communities, especially Muslim, with caution and "defensive tendencies." The researchers stated there appeared to be little political will to award minority religions privileges, such as the right to collect church taxes, similar to those granted Christian churches.

In February the Zurich High Court reduced from 24 to 12 months the prison sentence of the member of a heavy metal band convicted by a lower court in 2018 for violating the antiracism law by shouting anti-Semitic epithets at an Orthodox Jewish man in 2015. The high court, which ruled the band member's cry of "Heil Hitler!" did not constitute Nazi propaganda, also increased the fine he had to pay the Jewish man from 1,000 to 3,000 francs (\$1,000 to \$3,100).

The government continued to grant visas primarily to religious workers who intended to replace individuals serving in similar functions in the same religious community. Turkish nationals applying for short- and long-term religious worker visas needed to show they were associated with the Turkish Central Authority for Religious Affairs.

Pursuant to past court decisions, the government continued not to issue religious visas to missionaries of certain denominations, such as members of the Church of Jesus Christ, because they did not possess a theology degree. Church of Jesus Christ missionaries from EU and EFTA countries could work, however, because they did not require visas to enter the country.

The Federal Service for Combating Racism, which is responsible for matters related to religious discrimination, provided 55,000 francs (\$56,900) during the year to fund five projects focusing on religious freedom, including 1,000 francs (\$1,000) to support a seminar to combat anti-Islamic hate speech and 34,000 francs (\$35,200) towards fighting anti-Semitism – including 20,000 francs (\$20,700) for a Holocaust exhibition at the Basel Historical Museum – and 20,000 francs

(\$20,700) towards the development of school material on the country's religious diversity.

Although Holocaust education was not a requirement, most schools included it in their curriculum and participated in the annual Holocaust Day of Remembrance on January 29.

On January 28, members of the federal government and parliament, including President of the Federal Assembly Marina Carobbio Guscetti, attended an official Holocaust Remembrance Day ceremony at the Yehudi Menuhin Forum in Bern. In a speech at the ceremony, Carobbio Guscetti highlighted the importance of “sensitizing the younger generation and ensuring they become responsible citizens, so that they remain aware that discrimination can lead to annihilation.” Separately, President Ueli Maurer called on society to respect the Universal Declaration of Human Rights and to ensure the continued protection, respect, and dignity of minorities in a public message to commemorate Holocaust Remembrance Day.

The government is a member of the International Holocaust Remembrance Alliance.

Section III. Status of Societal Respect for Religious Freedom

The *2018 Anti-Semitism Report*, produced jointly by the Swiss Federation of Jewish Communities (SIG) and the NGO Foundation against Racism and Anti-Semitism (GRE), cited 577 anti-Semitic incidents, 535 of which involved anti-Semitic online hate speech and 42 other types of incidents, in the German-speaking part of the country in 2018. The SIG and GRE said they had changed their incident reporting and research methodology, documenting online anti-Semitic hate speech for the first time and carrying out more proactive and independent research of anti-Semitic incidents. In 2017, the report cited 39 anti-Semitic incidents, excluding online hate speech. The 2018 report documented one case where a man followed a group of Orthodox Jewish men in Zurich, threatening them with a knife and shouting anti-Semitic insults.

Separately, the Geneva-based NGO Intercommunity Center for Coordination against Anti-Semitism and Defamation (CICAD) reported 174 anti-Semitic incidents in 2018, including 111 cases of online anti-Semitic hate speech, in the French-speaking region, compared with 150 cases in 2017. The CICAD report deemed two cases “grave” (involving acts against the integrity and wellbeing of a person, including aggression, harassment, or destruction of property), and four

“serious” (involving acts such as anti-Semitic letters, insults, or graffiti). One of the “grave” cases involved a Palestinian man who assaulted a Jewish man on a train from Fribourg to Lausanne by throwing the man’s kippah in the trash, breaking his glasses, and stealing his watch. The report cited a continued resurgence of right-wing extremist activities and anti-Semitic incidents. It also observed a continued rise in online anti-Semitic hate speech posted by right-wing, left-wing, and Islamic groups, 21 percent of which circulated anti-Semitic tropes of a global Jewish conspiracy controlling the world. Examples of online hate speech included calling Israel a Nazi state for occupying Palestinian territories and denying the number of Jewish victims who died during the Holocaust. The report further cited the growing trivialization of the Holocaust under the guise of “childish jokes.”

In April the Consulting Network for Racism Victims, a collaboration between the NGO humanrights.ch and the Federal Commission Against Racism that provides consulting and counseling services related to racism and religious discrimination, released its report for 2018. It stated there were 44 anti-Muslim incidents in that year (the third-highest number in the categories it tallied), compared with 54 in 2017. According to the report, anti-Muslim incidents were predominantly verbal and behavioral, involving primarily derogatory remarks and marginalizing treatment, including discrimination, denial of services, and racial profiling, among others, occurring mainly in neighborhoods, at school, and at work. In one incident, according to the consulting network, an advisor at a government employment-services center accused a Muslim woman of wearing her headscarf as an excuse to not find work. The advisor told the Muslim woman she would have been more successful in obtaining employment if she had decided not to wear a headscarf.

In September a Muslim man told the local newspaper *20 Minuten* that a man in a supermarket had questioned his wife about her wearing a headscarf. He reportedly called her a “dirty Muslim” and referred to Muslims as a “pack of pigs.” The supermarket staff reportedly reprimanded the man, and police were called to the scene after an altercation ensued between the husband and man over the incident.

In May local media reported the bookstores Exlibris and Orell Fussli listed books with National Socialist and anti-Semitic content in their online shops. Exlibris reportedly featured Alfred Rosenberg’s *The Protocols of the Elders of Zion and the Jewish World Politics*, while Orell Fussli sold copies of Jupp Daehler’s *The Underman*. Both bookstores stated the listings were “an oversight” and that they had removed the books from their catalogues.

According to media and NGO reports, the main groups responsible for engaging in anti-Semitic rhetoric were Geneva Noncompliant, European Action, the Party of Nationally Oriented Swiss (PNOS), and the Swiss Nationalist Party (the French-speaking branch of PNOS). CICAD reported a resurgence of activities by right-wing individuals in all French-speaking cantons.

Many NGOs and representatives of the religious community coordinated interfaith events to promote tolerance locally and nationwide. In November the Week of Religions, a national event sponsored by religious communities, civil society groups, and the cantons, featured more than 100 interfaith events nationwide, including exhibitions, music and dance concerts, film screenings, roundtables, panel discussions, sporting activities, and communal dinners. The SIG and the Federation of Islamic Organization in Switzerland continued to support a project to encourage tolerance and address misconceptions between Muslims and Jews. The independent Zurich Institute for Interreligious Dialogue continued to provide a platform to study the religious histories and cultures of Christianity, Judaism, and Islam, as well as to discuss contemporary developments related to the religions, by organizing educational courses, speeches, panel discussions, and excursions. The institute hosted courses on the history of religions and seminars comparing religious texts from Islam, Christianity, and Judaism, as well as a conference on Jewish prayers.

Section IV. U.S. Government Policy and Engagement

Embassy officials discussed with the government's Service for Combating Racism federal government-supported projects for promoting religious freedom and tolerance. Embassy representatives also discussed with cantonal government officials the cantonal recognition of minority religions, especially Islam.

Embassy officials met with the Muslim Association of Bern, the Christian Katharina Werk Community, and other religious associations; representatives from civil society; leaders of the Christian, Muslim, and Jewish communities; and representatives of other religious minorities, including the Baha'i, Alevi, Sikh, and Hindu communities, to discuss discrimination against religious groups, availability of religious education for religious minorities, and government funding for security measures to protect religious institutions.

On January 27, the embassy cohosted with the Israeli embassy a Holocaust Remembrance Day ceremony at the Yehudi Menuhin Forum in Bern. In his remarks, the U.S. Ambassador underscored the importance of religious freedom.

Embassy staff spoke about the importance of religious freedom and tolerance at an iftar at Bern's House of Religions, a community-funded association working to strengthen religious and cultural dialogue and promote religious tolerance. Embassy staff organized an iftar in June and discussed religious tolerance, diversity, and inclusion with Muslim representatives.

The embassy convened a roundtable with representatives of the Muslim, Jewish, Christian, Church of Jesus Christ, Sikh, Alevi, Hindu, Baha'i, and Buddhist faiths during a March visit of the U.S. Special Advisor for Religious Minorities.